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## 2006 Decisions

## Opinions of the United States Court of Appeals for the Third Circuit

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7-10-2006

## In Re: IT Grp Inc

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PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 05-2191

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IN RE: IT GROUP, INC.,  
Debtor

JOHN ACCARDI; DAVID L. BACKUS;  
ROCHELLE BOOKSPAN; MELISSA L.DUBINSKY;  
DENNIS G. FENN; JOHN P. FRANZ;  
WILLIAM A. GAUNTT; THOMAS W. GRIMSHAW;  
DAVID W. HICKMAN; WARREN C. HOUSEMAN;  
STEPHEN C. KENNEY; JAMES R. MAHONEY;  
THOMAS R. MARTI; DAVIDW. MAYFIELD;  
WILLIAM H. MCINTOSH; ROY MCKINNEY;  
DAVID C.MCMURTRY; DANIEL C. MELCHIOR, III;  
GEORGEANN N. MOREKAS; WILLIAM C. PARIS;  
MATTHEW G. RADEK; KEVIN R. SMITH;  
LOUIS STOUT; LEONARD YAMAMOTO;  
JOHN E. FOLEY; JAMES M. REDWINE;  
STEWART BORNHOFT; ENZO ZORATTO;  
POLLY QUICK,

Appellants

v.

IT LITIGATION TRUST; IT GROUP, INC.,  
and their Affiliates, as employers and fiduciaries,  
administrators and sponsors of the Plan;  
CARLYLE PARTNERS II, LP, as fiduciary of the Plan  
and/or tortfeasor; ANTHONY DELUCA;  
FRANCIS J. HARVEY; HARRY J. SOOSE, as fiduciaries of  
the Plan and as officers; IT CORPORATION DEFERRED  
COMPENSATION PLAN EFFECTIVE JANUARY 1, 1996

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On Appeal from the United States District Court  
for the District of Delaware  
(D.C. Civil No. 04-cv-00146)  
District Judge: Honorable Joseph J. Farnan, Jr.

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Argued April 3, 2006  
Before: RENDELL, SMITH, and BECKER\*, Circuit Judges

(Filed : July 10, 2006)

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\* The Honorable Edward R. Becker died on May 19, 2006.

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William H. McIntosh; Roy McKinney;  
David C. McMurtry; Daniel C. Melchior, III;  
Georgeann N. Morekas; William C. Paris;  
Matthew G. Radek; Kevin R. Smith; Louis Stout;  
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*and as Officers*

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AMENDMENT TO PRECEDENTIAL  
OPINION AND JUDGMENT OF THE COURT

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Upon consideration of the uncontested motion by United States Trustee requesting that the Court issue an Order Amending the Opinion and Caption to delete the reference to “Mark S. Kenny, Trustee,” it is hereby

ORDERED that the captions of the Court’s Opinion and Judgment entered on May 25, 2006 be and the same are hereby so amended.

BY THE COURT:

*/s/ Marjorie O. Rendell*

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Circuit Judge

Dated: July 10, 2006